G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

191

(Prisons & Jails)

P. 25

File No. ~~85~~ 9 of 1901-02

Serial Nos. 1 to 5

~~Papers Filed.~~

B

Month May 02

SUBJECT.

Sentence of Servitude for life passed on a girl of 11 years at the Mysore Chief Court Sessions.

PREVIOUS REFERENCES.	LATER REFERENCES.

MEMO OF PAPERS CIRCULATED TO COUNCILLORS FOR opinion

SUBJECT.

Whether any action on the part of Govt. is necessary, with reference to the sentence of Servitude for life, passed on a girl of ~~about~~ 11 years old, at the Ellore Chief Court Sessions, for causing the death of two little boys by pushing them into a well, after robbing them of Silver & gold ornaments.

By Order,

28/4/1902. Secretary.

V. P. Madhava Row, Esq., C.I.E.

C. Sreenivasiengar, Esq.

Rao Bahadur C. Madiah, Esq.

The Secretary

MGOPE—22-3-01—250

2

I solicit perusal of the accompanying newspaper cutting from the "Mysore Gazette" of the 7th inst. Should this seem to call for any notice, the records may perhaps be sent for.

Submitted

8.1.02.

We may wait for a few days to see if there will be any appeal for mercy or regular appeal in the Ch. Ct itself. If the charge was one of murder, the Judge could lawfully award no lighter punishment.

8/1/1902

Just

Bring up a few days hence after 2 days hearing if any appeal is filed -

8-1-02

It is contained that no appeal has been preferred to the Ch. Court & the case is posted for hearing on the 28th inst.

Submitted

22/2/02

It appears that the appeal has been dismissed.

Submitted.

It appears the Case was dismissed for 6/8/02 for non-prosecution.

Submitted to the Dewan

6/3

3725
RD 10.3.02

3725

Get Mr. Record we
want - Put up
a note

11.III.02

Send for

13/3

Rpr
13/3

Records received
Vide Separate Note put up

2?

Note

The facts of the case are clearly given in the judgment.

The following facts ~~prove~~ show that there can be no doubt as regards the guilt of the accused Lakshmi :—

(1) The murdered boys were last found in the company of the accused.

(2) The confession of the accused that she pushed the boys into the well as she was afraid of their letting out the fact of her theft.

(3) The identification of the dead bodies of the murdered boys & of the jewels worn by them.

(4) The evidence of the Assistant Surgeon who held a post-mortem examination of the dead bodies.

(5) The subsequent conduct of the accused and her mother in disposing of the jewels stolen from the murdered boys.

The following extract from the judgment shows that the girl was possessed of sufficient maturity of understanding as to know the nature and consequences of her acts so as to be liable to be called upon to account for her conduct.

"The evidence shows that "she tempted the children with "fruits and took them to an "out of the way place, where "after despoiling of the jewels "she pushed them one after another "into a well. She is sharp "enough to use a string in "order to force the bangles "from the children's ankles, "to sell the 3 minors for "2 annas pretending to have "picked them up on the way "side and to be compelled "to sell them at a sacrifice "on account of her hunger "and to conceal the 3rd jewel "and cash from the Police "and to pretend that she had

"had dropped the same in
"the well when pushing the
"children into it. All this is
"evidence of sufficient maturity
"of understanding. She appears
"to be an intelligent girl and
"to understand what was going
"on in Court &c."

In the concluding portion
of the judgment the judge
remarks that "it is hoped
that during the her in-
-carceration in gaol
she would be cured of
her thievish propensities
and that by good con-
-duct in gaol she would
at last earn a pardon
and regain her liberty."

Submitted for orders.

29/3/02

No memorial has been
filed on behalf of the
girl. The records were
sent for on account
of a paragraph in the
papers calling attention
to the sad nature of
the case. The only
question is whether it
is necessary to interfere
now. If the girl
shows true repentance

her case may be considered later on. The Jail Authorities may be required to report after a certain period what effect the imprisonment has on her. Submitted for orders

29/3/02

& the D'Swan:

Read
29.3.02
3963

Enquire how this girl is confined in the Jail - (Where there is no reformatory) whether simply with other prisoners - what work she does what is her conduct - in short a general report upon life in Jail -

30.III.02

31/3

Copy filed

31/3/02

In reply, the Inspector General forwards a copy of letter from the No: 1164 d: 12-4-02

4 Superintendent, Bangalore Central jail, who reports that the convict Lakshmi referred to is not confined in separate barracks as there is no juvenile yard attached to the female prison and is therefore made to work along with the other female prisoners.

As regards the work she does, it is reported that having consideration to her age she is taught Kannada in the forenoon by a literate female convict warder and is made to do spinning work in the afternoon. Her progress in the former is reported to be fair and the performance of work satisfactory and her general conduct good.

Submd for orders.

SN
23.4.02

Ravi
4252/RD 24.4.02
23/4/02

The Dewan.

24/4

4733

I am not aware of any action that has to be taken in this matter. I shall be glad to be furnished with any suggestions of the Committee if they have any.

25.4.02

26/4

Extract from my note re: Release of Prisoners

For convenience' sake, I note below the various points which have to be specifically brought to the notice of Government in dealing with the lists.

Releases of prisoners.

Central Jail
Bangalore.

The Inspector-General's Office has again (as in previous years) treated a life sentence as equivalent to 18 and 20 years, but is not able to explain this otherwise than as in some way a consequence of the ticket-of-leave rules. The Mark Rules of 1899 (printed copy put up) make a life sentence equivalent to 20 and 25 years. Cp. also para 5 of the present Offl. Memo. Again, some lifers (viz.1,4,5,&6) whose only claim to a release arises apparently under para 5 clause 3rd of the above Off. Mem., have not yet put in at least fifteen years in Jail, as required. But the entries may perhaps after all be accepted.

7 (Reg.No.8581). Yellaga. The Chief Judge says: "If this man has become too old and infirm to prove dangerous to society, he may be released. Otherwise he must be carefully looked after. His conviction in 1888 was his sixth or seventh for house-breaking and theft, and to prevent further mischief to society he was sentenced to transportation for life." The man is 62 years of age, has been in Jail for more than 14 years, and has conducted himself well; and hence seems fully eligible for release. Name retained in List A to be appended to draft Order.

Secy's telegraphic order:- "Omit No. 7 Yellaga" 12.0

No. 9 (R.No.1395). Bhima. This man has been recommended for release under para 5 (1)(2nd. But this seems inapplicable, as he was 27 years old at the time of conviction; and his crime, that of rape, is one that stamps the offender as specially depraved. He has moreover put in just a few months only above half the term (6 years). The name has, however, been retained in List A pending orders. The Chief Judge's Note is silent on the point.

No.11 (R.No.2384). Vencata. The Chief Judge says: "This is a ruffian who had been hired by certain persons to murder the complainant, and who accordingly shot at him in a forest in Kankanhalli Taluk. Fortunately for the complainant, the shot did not prove fatal. He is a dangerous character and not a deserving object of clemency". Name therefore omitted from List A.

No.12.(R.970). Anthony. The Chief Judge says: "Young in years, but mature in villainy. He was guilty of premeditated murder. He followed a coffee planter's servant who was taking money for his master from the Taluk Treasury at Mudigere, and in a lonely place he and a fellow-conspirator brutally murdered the poor man and carried away the money. Mr. Justice Best regretted that the Sessions Judge had not sentenced the prisoner to death." Name accordingly omitted from List A.

Mysore Jail.

No.4.(R.No.5588). Thipparaju. The Chief Judge says "this man is a native of Madanapalli Taluk in Cuddappa District. Was guilty of torch-light dacoity in Kolar District, the dacoits being armed with clubs and sickle". Name omitted from List B.

The same treatment must obviously apply to--

No.5.(R.5589) Pullamaraju

and

No.6. (R.No.5734). Bedar Subba. These persons were (as I find from the records in Kolar Sessions Case 25 of 1898-99) co-accused with Thipparaju in the same case, having taken part in the same torch-light dacoity, and were sentenced to the same punishment of 5 years rig-impt. Hence names omitted from List B.

No.21(R.No.4822). Krishnabai. Could not be only 15 years now, when, as shown by the papers connect-ed with her memorial to the Maharani-Regent, she was 17 in 1900. The Chief Judge says: "Young as she is, she acted with fiendish cruelty to her husband. It was upon his complaint that she and her paramour were convicted. The conviction was upheld by the Chief Court, and her memorial was dismissed by the Maharani-Regent. I have made a few extracts from the Sessions Judge's judgment:- (put up herewith)

> 'I have no doubt that the 1st accused Subba Rao and the 2nd accused Krisna Bai were both concerned in the offence of emasculating Lingojee (her husband), although the actual cutting off of the penis of Lingojee was done by the 1st accused. The branding also was done by the 1st accused in the presence of the 2nd 2nd accused. It is probable that the 1st accused was carrying on an intrigue with the 2nd accused, and that he wished to get rid of Lingojee by emasculating him, so that he might have the 2nd accused solely for his own enjoyment.... Considering the atrocious character of the offence committed by the 1st accused, to which the 2nd accused was also a party, they deserve to be severely punished'.

Name omitted from List B in deference to the above remarks. But the evidence of the woman's direct participation in the offence

is weak, as will be seen from the following extract from the Note submitted by the late Offg. Dewan (Mr.Thumboo Chetty) to Her Highness the Maharani-Regent in connection with the prisoner's memorial: "There is no direct reliable evidence, except the statement of the complainant†, to show that the memorialist, though present at the time of the commission of the offence by 1st accused, took any active part in aiding and abetting the 1st accused. Besides the memorialist there were three others who were actually present then. They have all been acquitted. The only circumstance against the memorialist (the 2nd accused) is that there was criminal intimacy between her and 1st accused." etc. If the Government are inclined to mercy in the case of this prisoner, her case will be covered by clause 2 of para 5 of the Official Memo.

† which contains several discrepancies. Vide Chief Court's judgment in the Memorial file.

No.23 (R.No.5836).C.S.Ananthasubramanya Iyer.

No.24 (R.No.4187).Anthuvalla.

No.25 (R.No.5738).Putta.

These are new names transferred to this head from the Remission list for the Mysore Jail, as recommended by the Chief Judge in the following remarks recorded by him on the fly-sheet of that list:

"(C.S.Ananthasubramanya Iyer). He is not yet 25. On the 1st of January he will have undergone about 12½ months rigorous imprisonment. If we exclude the remission he has earned and the remission which has been recommended by the Inspector General of Jails, there is only one month left. Considering that he was 22 when the offence was committed,

he appears to be a deserving object of clemency."

"(Anthuvalla & Putta). Same remarks as above. No.61 (Putta) has only 17 days left, and he will have undergone 20 months imprisonment. He was only 20 years old on the date of the offence."

"All the above three appear to have been well-behaved in jail."

All the three are eligible for release under para 5 cl.2 or cl.3.

Shimoga Jail.

No.2 (R.No.375). Honna. The Chief Judge says: "Native of North Kanara who committed dacoity in Sagar Sub-divisicn. The dacoity was attended with revolting cruelty. I quote from the Sessions Judge's judgment:- The robbers seized Gowramma's cloth, dipped it in oil, lighted it, applied it to her arms, and asked her to show the money. Her face and eyes became red." Name omitted from List C.

No.5 (R.No.576). Syed Hussain. The Chief Judge says: "He accompanied his master who was employed in Hubli and who came to Sorab Taluk to collect certain debts. The prisoner entered into a conspiracy with certain dacoits to rob his master. He saw his master robbed, left him in a helpless condition, and ran away with the dacoits to receive his share of the booty." Name omitted from List C.

I venture to submit for consideration in this connection the case of prisoner -- Reg. No.4377. Lakshmi, confined in the Bangalore Central Jail. The facts are already known to Government, as will be seen from the

accompanying file of papers which were circulated among the Dewan and Councillors in April last. The 2nd Councillor said on that occasion: "The unfortunate girl's case may be noted for consideration on some future suitable and auspicious occasion. The case is a clear though deplorable one, and, though immediate action is quite out of the question, I would not forget her when an opportunity offers itself; and this I think will be in the near future."
The girl's name was included in the list of releases recommended by the Inspector-General on the occasion of His Highness the Maharaja's Installation in August last, and Dr. Benson observed (in the remarks col. of the list) that she "was wanting in brain power and probably did not realise the enormity of her crime." But the late Chief Judge, Mr Justice Best, thought it might be advisable to keep her in jail "for a few years at all events, as she was sentenced only in January last, and is spoken of as a girl addicted to theft." On the present occasion the name of the prisoner has not been shown in the list of releases, but is recommended for a month's remission merely. (Vide sl.No.103 in the remission list for the Bangalore Central Jail).
If the Government is pleased to show clemency to her at the present opportunity, the name will be entered in List A; but pending orders it continues only to be shown, of course, in the list of remissions.

No orders received as regards the pleasure; hence name not included in List-A.
27.12.02

List of Remissions recommended.

The Chief Judge has made the following remarks under this head:

Mysore Jail.

No. 12. "The prisoner has only 18 days in prison to undergo. Remission of 15 days is recommended. I presume it is a clerical error. If it is not an error, he may be released at once and the remaining three days also excused."

† No: it is not a clerical error (K.S.C.)

No.17. "There is only one day left after remitting one month. Instead of releasing him on 2nd January he also may be released on the 1st."

Shimoga Jail.

No.27. "He is a young man of 21 years of age. He has only 22 † days left after 1st January. 15 days' remission has been recommended. If it is worth while to make a remission, we may as well remit 7 days more."

† 21 (K.S.C.

The days to be remitted have all been calculated according to the principles laid down in the Official Memo. of 26th November last. That Memo. does not provide for additional remissions being granted in such cases. There does not seem to be any reason for deviating from the scale laid down. The entries in question continue therefore to be shown unaltered.

Submitted to the Dewan through the 2nd Councillor.
(Id.) L.A.
19-12-02.

Draft

SECTION Prisons & Jails
FILE No. 859/1-01-02
SERIAL No. 1

Registrar,
Chief Courts

Dated 15-3-02

Re 15262
J. 1304

Has the honour to request that he will be good enough to send up, for the perusal of Court the record of the case in which a girl of only 11 years of age was recently sentenced at the Chief Court Sessions, to penal servitude for life for causing the death of two little boys by sinking them into a well, after robbing them

them of silver and gold
ornaments.

By Order.

Phi.

for Secy
1913
C&I 14/3/02

C&I 14/3/02

Dy/No 12252/J1462 2

GOVERNMENT OF MYSORE

SECTION Prisons 9

FILE No. 85 of 01-02

SER. No. 2

No. 6668 Jud. Dept. 190

Bangalore.

15th March 1902.

From

V.A.Rajaratna Mudaliar Esquire,

Registrar of the Chief Court of Mysore.

To

H.V.Nanjundayya Esquire, M.A.B.L.,

Secretary to the Government of Mysore,

General and Revenue Departments.

Sir,

With reference to your No. 15262/J1304 dated 15th Instant, I have the honor to forward herewith the entire record in Kolar Sessions Case No.11 of 1901-02 on the file of this Court, together with the Committing Magistrate's proceedings.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

2 Draft as per order

SECTION Prisons
FILE No. 85 1901-02
SERIAL No. 3 Co.

The ~~Insp~~ Inspector General of Prisons in Mysore.

Dated 2-4-02
No. 1/6208
J 1408

Has the honour to request that the Inspector General will be so good as to favour Govt. with information as to how the accused Lakshmi (aged about 11 years) who is undergoing sentence of transportation for life passed on her in Kolar Sessions case No 110 of 1901-02, on the file of the Chief Court is confined in the Central

Central jail, whether singly or with other prisoners, ~~whether~~ what work she does and what is her conduct. A general report of her life in jail may ~~be~~ obtained & submitted at an early date.

By order

for
Jt Secretary
31/3/02

Cpdi
1/4/02

4

SECTION Prisons

FILE No. 86/1902

SERIAL No. 4

13445
22 02
1902. J 1692

From

Lt Col: Percy A. Benson Dy B. J. Mysore
Inspr-Genl of Prisons in Mysore
Bangalore.

To

A. V. Ranjundayya Esqr M.A. Mysd
Secy to the Govt of Mysore
Genl & Revenue Depts
Bangalore.

Dated 14th April 1902.

Despatched 18

Received

General No. 384

No. J

Enclosure No. 1.

With reference to his Do Ref Dro: 16208 dp 2nd Instt, J. 1408 forwards copy of letter Dro. 1164 dp 12th Idem from the Supdt C. C. J., furnishing the information asked for re: Life convict Lukshmi.

Jud
21.4.02

Subd with the note Court

SW
23/4/02

From

Lt.-Colonel Percy.H.Benson M.E., I.M.S.,

Inspector General of Prisons in Mysore,

Bangalore.

To

H.V.Nanjundayya Esqr: M.A. M.L.

Secretary to the Government of Mysore,

General and Revenue Departments,

Bangalore.

No. 384 Encl: 1.

Dated 14th April 1902.

Sir,

With reference to your Office docket No.16208/J.1408 dated 2nd April 1902, requesting to furnish Government with certain information regarding convict Lukshmi (aged about 11 years) who is undergoing sentence of transportation for life in the Bangalore Central Jail, I have the honor to forward herewith copy of letter No.1164 dated 12th Idem, from the Superintendent Central Jail, Bangalore, in which all the required information regarding the girl in question has been furnished.

I have the honor to be,

Sir,

Your most obedient servant,

Lt.-Colonel, I.M.S.

Inspector General of Prisons.

T.C.G.

No.1164. Office of the Superintendent, of the Central Jail

Bangalore 12th April 1902.

From

G.Hume Wright Escr:

Superintendent, Central Jail, Bangalore.

To

Lt.-Colonel F.H.Benson M.B., I.M.S.,

Inspector General of Prisons in Mysore,

Bangalore.

Sir,

In pursuance of the instructions conveyed in your No. 344/J dated 3/4th April 1902, I have the honor to report for submission to Government that Life Convict No.4377 Lakshmi referred in letter No.16208/c.1406 dated 2nd current of the Secretary to Government, is not confined in separate barracks as there is no juvenile yard attached to the female prison and is therefore made to work along with the other female prisoners.

2. As regards the work she does, having consideration to her age, she is taught Kanarese in the forenoon by a literate female convict warder and is made to do spinning work during the afternoon; her progress in the former is fair, and the performance of her work satisfactory and, on the whole, her conduct in Jail has been good.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) G.Hume Wright.

Superintendent, Central Jail.

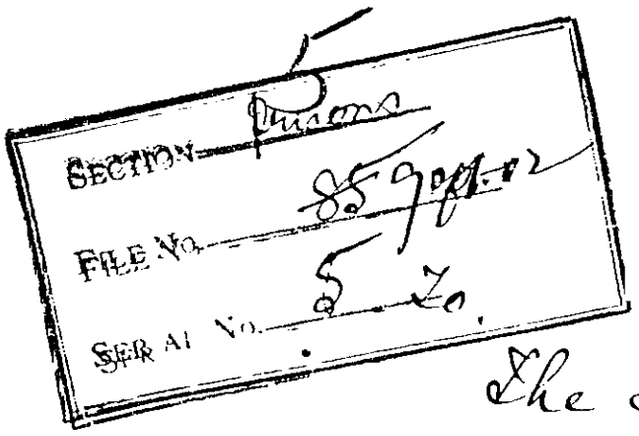
" C O P Y "

Lt.-Colonel, I.M.S.,

Inspector General of Prisons.

T.C.G.

Draft forwarded



The Registrar,
Chief Court
& Mysore.

Dated 17th May 02
No. 18329 Records
J. 1858

Sir, I am directed to return herewith the records in Kolar Sessions Case No 11 of 1901-2 on the file of the Chief Court together with the Committing Magistrate's proceedings, received with your letter No 6668 dated 15th March 1902.

I have the
15/5/02

for Secretary